S.B. CIVIL SECOND APPEAL NO. 12/2005

LRS OF KRISHAN JINDAL
VS
LRS OF DR. D.N. RAI

DATE OF ORDER : 11.3.2005

HON'BLE MR. PRAKASH TATIA,J

Mr. R.K.Thanvi, for the appellant.
Mr. M.D.Boob, for the respondent.

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Heard learned counsel for the parties on only the question of granting the time, which may be given to the appellant for vacating the premises in dispute.

Learned counsel for the appellant sought time of two years', but learned counsel for the respondent-plaintiff submits that even the legal representative of respondent is also senior citizen and, therefore, no time be granted as six months have already passed from the decree under challenge.

Looking to the facts of the case, it will be just and proper to grant some time to the appellant to vacate the premises. This court deems it proper that appellant may be granted time upto 30th Sept., 2005 to vacate the premises as giving more time will not be just and

proper in the facts and circumstances of this case. Therefore, the decree under challenge shall not be executed till 1st Oct., 2005 in case the appellant furnishes written undertaking before the trial court that appellant shall vacate the premises on or before 30th Sept., 2005 and shall hand over the vacant possession to the respondent-landlord and shall pay all the decretal amount as well as arrears of rent, if due, and shall further pay the rent to the landlord till the appellant vacates the premises in question. The arrears of rent shall be paid within a period of one month from today and the subsequent rent be paid by 15th day of each succeeding calender month. The appellant shall have also not part with possession and sub-letted the premises in dispute during this period.

With these concessions, the appeal of the appellant is dismissed.

(PRAKASH TATIA),J.

c.p.goyal/-